

IMPLEMENTING GUIDELINES FOR COMMERCIALIZATION
OF EXPENDABLE LAUNCH VEHICLES FROM U.S. GOVERNMENT NATIONAL RANGES

A. Required U.S. Government Actions

NASA and DOD, for those functions over which they respectively have cognizance, will:

1. identify data, documentation, processes, procedures, tooling, ground support equipment and facilities that are available for commercial use;
2. identify the support services and facilities necessary for commercial launches from the U.S. Government national ranges;
3. identify the joint-use tooling, ground support equipment and facilities that the U.S. Government can make available for commercial launch operations;
4. determine the transition means, schedules, conditions, and costs for making available appropriate U.S. Government equipment, facilities and properties;
5. to the extent practical, provide, on a reasonable reimbursable basis, technical advice and assistance in operations;
6. negotiate and contract for, on a reasonable reimbursable basis, their portion of the U.S. Government services, facilities and equipment requested by the private sector for commercial launch operations.
7. as required, conduct environmental analyses necessary to ensure compliance with the National Environmental Policy Act.

B. Government Pricing Guidelines:

The price for the use of U.S. Government facilities, equipment, and services, will be based on the following principles:

1. price services based on those additional costs incurred by the U.S. Government;
2. the U.S. Government will not seek to recover ELV design and development costs or investments associated with facilities to which the U.S. Government retains title.

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3. tooling, equipment and residual ELV hardware on hand at the completion of the U.S. Government's program will be priced on a basis that is in the best overall interest of the U.S. Government, taking into consideration that these sales will not constitute a subsidy to the private sector operator.

C. Commercial ELV Operator Requirements

The commercial ELV operator shall:

1. maintain all facilities and equipment leased from the U.S. Government to a level of readiness and repair specified by the U.S. Government;
2. provide adequate insurance to cover the loss of or damage to U.S. Government owned systems, equipment, facilities used by the private sector ELV operators.
3. provide adequate insurance and agreements to indemnify and hold harmless the U.S. Government against liabilities for damage to both domestic and foreign persons and property;
4. abide by all required U.S. Government safety criteria and not hold the U.S. Government liable for damage incurred by the operator resulting from U.S. Government flight safety actions.
5. agree not to hold the U.S. Government liable for losses resulting from scheduling delays related to joint-use facilities and support services.

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